

April 15, 2021

VIA EMAIL

Hon. Katherine Polk Failla
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: Network Apps, LLC, et al. v. AT&T Inc., et al., Case No. 21-cv-718, Civil Case
Management Plan and Scheduling Order

Dear Judge Failla:

We represent Plaintiffs in the above-captioned matter. We write in connection with the Proposed Civil Case Management Plan and Scheduling Order. Plaintiffs interpret the Court's individual rules to require joint submission of a proposed case management plan today. Defendants disagree and do not consent to joint filing. For this reason, we write to the Court separately. Counsel for all parties are copied on this submission.

Pursuant to Fed. R. Civ. P. 26(f), the parties met and conferred on March 29, 2021. At that conference, the parties discussed the proposed schedule, the date on which initial disclosures must be served and the date on which the proposed case management plan was due. The parties disagreed about these dates.

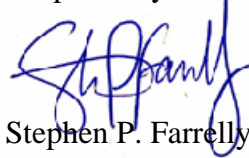
Plaintiffs interpret the Court's Individual Rule of Practice 3(b), which requires "the parties . . . to submit via e-mail a joint letter and Proposed Civil Case Management Plan and Scheduling Order in PDF format by Thursday of the week prior to the initial pretrial conference" to mean that the Case Management Plan is due today, April 15, 2021. Consequently, Plaintiffs drafted a plan that reflected Plaintiffs' proposed schedule and our understanding of Defendants' proposed schedule. We sent that draft to Defendants on April 13, 2021, and asked for feedback by close of business on April 14, 2021. Defendants responded on April 15, 2021, providing no further information and stating *inter alia* that they do not consent to joint filing of the proposal.

Attached to this letter, we enclose (1) a pdf of the Court's Joint Case Management Plan, filled out to the extent the parties reached agreement at their 26(f) conference, and (2) Exhibit 1 to the Case Management Plan, which outlines the parties' positions on deadlines, as we understood them at the Rule 26(f) conference.

BROWNE GEORGE ROSS
O'BRIEN ANNAGUEY & ELLIS LLP

Hon. Katherine Polk Failla
April 15, 2021
Page 2

Respectfully submitted,



Stephen P. Farrelly

Encls.: Civil Case Management Plan and Ex. 1 to Civil Case Management Plan
cc: All counsel of record via email